

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DALE A. THOMAS,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 11-7578
	:	
CHIEF OF POLICE STANLEY J.	:	
COOPERSMITH, BUSHKILL TOWNSHIP,	:	
and BUSHKILL TOWNSHIP POLICE	:	
OFFICERS JOHN DOE NOS. 1-5,	:	
Defendants.	:	

ORDER

AND NOW, this 20th day of August, 2012, upon consideration of Defendants’ Motion to Dismiss Plaintiff’s Complaint Pursuant to Federal Rule 12(b)(2), (5) & (6) and Rule 12(f) Motion to Strike the “Damages” Section of the Complaint (Document No. 6, filed March 20, 2012), pro se plaintiff’s Memorandum of Law in Opposition to Motion to Dismiss (Document No. 10, filed May 1, 2012), pro se plaintiff’s Motion for Preliminary Injunctive Relief (Document No. 12, filed July 13, 2012), the Answer of Defendants Bushkill Township and Chief of Police Stanley J. Coopersmith in Opposition to the Motion for Preliminary Injunctive Relief (Document No. 13, filed July 27, 2012), and the Motion of Defendants Chief of Police Stanley J. Coopersmith and Bushkill Township to Dismiss Plaintiff’s Complaint Pursuant to Federal Rule 12(b)(6) and Rule 12(f) Motion to Strike Portions of the “Damages” Section of the Complaint (Document No. 14, filed July 30, 2012), for the reasons set forth in the Memorandum dated August 20, 2012, **IT IS ORDERED** as follows:

1. Defendants’ Motion to Dismiss Plaintiff’s Complaint Pursuant to Federal Rule 12(b)(2), (5) & (6) and Rule 12(f) Motion to Strike the “Damages” Section of the Complaint (Document No. 6, filed March 20, 2012) is **DENIED** with respect to plaintiff’s class-of-one claim against Chief of Police Stanley J. Coopersmith and Bushkill Township Police Officers John Doe

Nos. 1-5, plaintiff's claim for punitive damages against Chief of Police Stanley J. Coopersmith, and those parts of the motion which relate to service of process, and **GRANTED** in all other respects;

2. Plaintiff's Motion for Preliminary Injunctive Relief (Document No. 12, filed July 13, 2012) is **DENIED**; and

3. The Motion of Defendants Chief of Police Stanley J. Coopersmith and Bushkill Township to Dismiss Plaintiff's Complaint Pursuant to Federal Rule 12(b)(6) and Rule 12(f) Motion to Strike Portions of the "Damages" Section of the Complaint (Document No. 14, filed July 30, 2012) is **DENIED** with respect to plaintiff's class-of-one claim under the Equal Protection Clause against Chief of Police Stanley J. Coopersmith and Bushkill Township Police Officers John Doe Nos. 1-5, plaintiff's claim for punitive damages against Chief of Police Stanley J. Coopersmith, and the argument that Coopersmith is entitled to qualified immunity, and **GRANTED** in all other respects.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.